



EXPEDITED PROCEDURE  
EXAMINING GROUP 1211  
PATENT  
ROSE 3.0-036 CIP III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of  
Hiatt et al.

Serial No. 08/486,913

Filed: June 7, 1995

For: 3' PROTECTED NUCLEOTIDES FOR ENZYME  
CATALYZED TEMPLATE-INDEPENDENT  
CREATION OF PHOSPHODIESTER BONDS

Group Art Unit: 1211

Examiner: Louise Leary

Dated: December 23, 1997

BOX AF

Assistant Commissioner For Patents  
Washington, D.C. 20231

X

**TERMINAL DISCLAIMER**

Sir:

Andrew C. Hiatt of 600 Torrance Street, San Diego, California 92103; and Floyd D. Rose of 117 Via de la Valle, Del Mar, California 92017, being the owners of the entire right, title and interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory terms defined in 35 U.S.C. §§ 154 and 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patents granted on co-pending and commonly owned U.S. Patent Application Serial Nos. 08/486,535, 08/486,536 and 08/486,897, all of which were filed on June 7, 1995 and are Continuation-In-Part Applications of U.S. Patent Application Serial No. 08/300,484 filed September 2, 1994. The owners hereby agree that any patent so granted on the

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on December 23, 1997.

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**PETER J. BUTCH III**

(Typed or Printed Name of Person Signing Certificate)

instant application shall be enforceable only for and during such period that it and any patents granted on the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Hiatt and Rose are the owners of the entire right, title and interest in the instant application and in copending U.S. Patent Application Serial Nos. 08/300,484, 08/486,535, 08/486,536 and 08/486,897 by virtue of an Assignment from the inventors to Rose-Hiatt Biotechnology Partnership of 8445 Camino Sante Fe, San Diego, California 92121 recorded on June 7, 1995 on Reel 7529 at Frame 00334, and the subsequent Assignment of the entire right, title and interest in the application from Rose-Hiatt Biotechnology Partnership to Hiatt and Rose recorded on May 28, 1997 on Reel 8551 at Frame 0714.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patents granted on the co-pending applications as presently shortened by any terminal disclaimer, in the event that any patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Examiner is authorized to charge the statutory fee of \$55.00 and any other fees due and owing to our Deposit Account No. 12-1095.

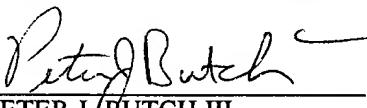
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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